REMARKS

Claims 1-26 remain pending.

In the Office Action, the Examiner objected to claim 9; rejected claims 3 and 6 under 35 U.S.C. § 112, ¶2; rejected claims 1, 2, 3, 8, and 13 under 35 U.S.C. § 102(b) as being anticipated by Itakura et al. (U.S. Patent No. 6,493,832); and rejected claims 4-7, 9-12, and 14-26 under 35 U.S.C. § 103(a) as being unpatentable over Itakura et al. in view of Kawabata et al. (U.S. Pub. No. 2003/0018983).

Claim 9 has been amended to obviate the objection.

Claims 3 and 6 have been amended to obviate their respective § 112, ¶2 rejections.

Claims 1, 2, 3, 8, and 13:

Applicants respectfully traverse the 35 U.S.C. § 102(b) rejection of claims 1, 2, 3, 8, and 13 over Itakura et al. As an initial matter, the Examiner has not read any of the claims with particularity on Itakura et al. In particular, only about 30 lines of Itakura et al. were cited without elaboration, forcing Applicants to guess at the components which the Examiner considers to anticipate the claimed elements. This amounts to a general allegation of anticipation, and does not establish a *prima facie* case.

Applicants respectfully remind the Examiner that under 37 C.F.R. § 104(c)(2) "the particular part [of the reference] relied on must be designated as nearly as practicable," and respectfully request that, in any subsequent actions containing art rejections, the claim elements be read upon particular components of the reference(s).

Independent claim 1 requires a method including, *inter alia*, "sampling a program clock frequency at which information is sent over a communication link; and sampling a system frequency related to the communication link." Independent claim 8 requires a method including, *inter alia*, "sampling a program clock frequency at which information received over a communication link is played; and sampling a system frequency related to the communication link." Itakura et al. fails to disclose all limitations of claims 1 and 8, and their dependent claims.

Pages 3 and 4 of the Office Action cite to col. 4, lines 50-63, which is in the Summary section of Itakura et al., and to col. 6, lines 22-31 and 42-52, which describe a transmission-side apparatus in Fig. 5.

In particular, these sections describe various program counter reference (PCR) values within an MPEG transport stream in and around processing section 504 in Fig. 5 of Itakura et al. The timestamp measurements described do not relate to the actual transmission portion of Fig. 5 (e.g., section 508). Thus, they fail to describe sampling a "frequency at which information is sent over a communication link" as required by claim 1.

Also, because the cited portion of Itakura et al. describes the transmitter 500, and not the receiver 700 shown in Fig. 7, it cannot reasonably describe sampling a "frequency at which information received over a communication link is played" as required by claim 8. For completeness, Applicants note that the section of Itakura et al. that does describe the receiver 700 col. 7, line 39, through col. 8, line 60, also fails to describe sampling a "frequency at which information received over a communication link is played" as required by claim 8.

Moreover, both claims 1 and 8 require "sampling a program clock frequency" and "sampling a system frequency." The cited portion of Itakura et al. does not disclose sampling one frequency, much less two different frequencies. A *prima facie* case of anticipation has not been established for claims 1, 2, 3, 8, and 13 for at least the above reasons, and the § 102(b) rejection should be withdrawn.

Claims 4-7, 9-12, and 14-26:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 4-7, 9-12, 14, and 15. A *prima facie* case of obviousness has not been established in the first instance, because

even if it were proper to add teachings from Kawabata et al. as suggested, the combination still fails to teach or suggest all claim limitations. As explained above with regard to claims 1 and 8, from which claims 4-7, 9-12, 14, and 15 depend, Itakura et al. fails to teach or suggest "sampling a program clock frequency at which information is sent over a communication link; and sampling a system frequency related to the communication link," as required by claim 1, and "sampling a program clock frequency at which information received over a communication link is played; and sampling a system frequency related to the communication link," as required by claim 8. The cited portions of Kawabata et al. also fail to teach or suggest sampling a program frequency and sampling a system frequency. Because a *prima facie* case of obviousness has not been established for claims 4-7, 9-12, 14, and 15, the 35 U.S.C. § 103(a) rejection should be withdrawn.

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 16-26. A *prima facie* case of obviousness has not been established in the first instance, because even if it were proper to add teachings from Kawabata et al. as suggested, no evidence has been presented that the combination teaches or suggests any of the claimed device limitations. A complete lack of evidence from the references cannot establish a *prima facie* case of obviousness. See M.P.E.P. § 2142 ("The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness."). Instead page 8 seems to suggest that an alleged teaching of a method also teaches all devices that perform the method. This is simply not the law. See M.P.E.P. § 2143.03 (emphasis added, citation omitted) ("All words in a claim must be considered in judging the patentability of *that claim* against the prior art."). Because no facts or evidence has been presented that Itakura et al. and Kawabata et al. teach or suggest the actual limitations of claims 16-26, a *prima facie* case of obviousness has not been established for these claims.

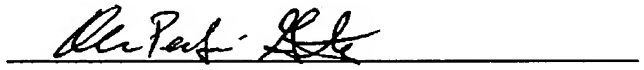
Reconsideration and allowance of claims 1-26 are respectfully requested.

In the event that any outstanding matters remain in this application, Applicants request that the Examiner contact Alan Pedersen-Giles, attorney for Applicants, at the number below to discuss such matters.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0221 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: September 13, 2006



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